

अण्डमान तथा
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अण्डमान तथा निकोबार प्र'ासन
ANDAMAN AND NICOBAR ADMINISTRATION
सचिवालय/SECRETARIAT

NOTIFICATION

Port Blair, dated the 11th October, 2011

No. 238/2011/No. 26-223/20089(HG)-Home (PF).— In compliance of the directions given by the Hon'ble High Court of Calcutta, Circuit Bench at Port Blair vide its common judgment/ order dated 04/02/2011 in M.A.T. No. 064 of 2010-(Shri Mohammed Yousuf & Others-Vs- Union of India & Others) with M.A.T. No. 065 of 2010- (Shri Pradeep Joydhar & others –Vs-Union of India & others), with M.A.T. No. 066 of 2010 –(Smt. Alo Hazra & Others – Vs.-Union of India and others), to prepare a Scheme in accordance with the judgment / order dated 22/01/2007, passed by the Hon'ble High Court of Calcutta, Circuit Bench at Port Blair in M.A.T. No. 25 of 2006 – (Smt. Parul Debnath & others – Vs- Union of India & others) and affirmed by Hon'ble Apex Court vide its judgment/ order dated 06/05/2009 in SLP (C) No. 10496 of 2007- (Union of India & others – Vs- Smt. Parul Debnath & others), Lt. Governor (Administrator), Andaman & Nicobar Islands, hereby makes the following Scheme:-

SCHEME

I. Short Title and commencement of Scheme :

1. This Scheme shall be called as "**Regularization of Home Guards- Scheme of Andaman & Nicobar Administration – 2011**".
2. This Scheme shall come into force with effect from the date of Notification.
3. This Scheme is applicable to those Home Guard Volunteers of A & N Islands , Home Guards Organization, who fulfill the eligibility criteria of minimum 5 years of continuous service without any break and were in active service on 06/05/2009, when the Hon'ble Apex Court vide its judgment / order dated 06/05/2009 in SLP (C) No. 10496 of 2007- (Union of India & others –Vs-Smt. Parul Debnath & others) had affirmed the judgment / order dated 22/01/2007, passed by the Division Bench of the Hon'ble High Court of Calcutta, Circuit Bench at Port Blair in M.A.T. No. 25 of 2006-(Smt. Parul Debnath & others – Vs-Union of India others) and also possess the educational qualifications prescribed for similar posts.

- II. This Scheme is not applicable to the Home Guard Volunteers, who have already resigned from voluntary service or have been discharged from the roll of the A & N Islands Home Guards Organization on disciplinary and/ on other grounds in terms of the A & N Islands Home Guards Regulation, 1964 and the A & N Islands Home Guards Rules, 1965, prior to 06/05/2009. The Home Guard Volunteers, who were enrolled prior to 06/05/2009 but did not fulfill the eligibility criteria of minimum five years of continuous service as on 06/05/2009, are also not eligible under this Scheme. This Scheme is also not applicable to Home Guard Volunteers, who have been appointed afresh in terms of the A & N Islands Home Guards Regulation, 1964 and the A & N Islands Home Guards Rules, 1965.

The provisions and terms & conditions of the Scheme:

- (a) The Home Guard Volunteers of A & N Islands Home Guards Organization, who fulfill the said eligibility criteria of minimum 5 years of continuous service and who were in active service as on 06/05/2009, would be regularized against the supernumerary posts in the Pay Band of Rs. 4440-7440/- with Grade Pay of Rs. 1300/- (Group-D Grade, now upgraded as Group-C Grade) from the respective dates of their initial enrollment as Home Guard Volunteers in A & N Islands Home Guards Organization.
- (b) In addition to the pay in the Pay Band and Grade Pay in the, they will get other allowances as admissible to the employees of similar grade/ category under the A & N Administration.
- (c) They shall be required to produce original certificates in support of their educational qualifications and proof of date of birth and other testimonials for verification.
- (d) On regularization in the grade, their services will be governed by CCS (CCA) Rules, 1965 and other Rules applicable to the similar category of employees of A & N Administration in addition to the provisions as envisaged under A & N Islands Home Guards Regulations, 1964 and A & N Islands Home Guards Rules, 1965.
- (c) They shall be liable to serve in any part of A & N Islands.
- (f) On regularization in the grade, they shall have to take oath of allegiance to the Constitution of India or affirm to that effect in the prescribed form.
- (g) On regularization in the grade, they shall have to declare their marital status and also to furnish other information as required for the similar grade/ category employees of A & N Administration.
- (h) The regularization of eligible Home Guards would be subject to verification of their character and antecedents and medical fitness.
- (i) In respect of matters not specified, the services of the Home Guard Volunteers regularized against supernumerary posts shall be governed by the relevant rules as applicable to employees of similar category of A & N Administration.

- (j) The supernumerary posts created for regularization of the eligible Home Guard Volunteers shall stand abolished on their superannuation or death or resignation or dismissal / removal on disciplinary grounds.
- (k) The A & N Administration shall have the power to make further amendment(s) of any of the provisions stipulated in the Scheme that may be considered necessary.

**By order of the Lieutenant Governor,
Andaman and Nicobar Islands.**

Sd./-
(B.B. GHARAMI)
Assistant Secretary (Home)
A & N Administration
